

COMES NOW Defendant/Third-Party Plaintiff Shannon Gartner d/b/a Bear Creek Trucking (hereinafter “Bear Creek Trucking”), and hereby gives notice to the above named Court for removal of this cause from the Montana Twenty-Second Judicial District Court, Big Horn County, Cause No. DV 2-2022-29-NE, to the above-named United States District Court, Billings Division, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and for its grounds for removal alleges:

1. That the action is a civil action filed by Plaintiffs seeking monetary damages that was commenced on May 23, 2022, by the filing of a Complaint and Demand for Jury Trial (hereinafter “Complaint”) in the Montana Twenty-Second Judicial District Court, Big Horn County. A copy of the Complaint is attached as Exhibit 1, and a copy of the Summons is attached as Exhibit 2. Also on May 23, 2022, counsel for Bear Creek Trucking was provided a courtesy copy of the Complaint by Plaintiffs’ Counsel. Counsel was then provided a Notice of Lawsuit and Request to Waive Service of a Summons on May 26, 2022. Counsel acknowledged service for Bear Creek Trucking on June 13, 2022. A copy of the signed acknowledgment is attached as Exhibit 3.

2. That Bear Creek Trucking first learned of the filed civil action following the email to its counsel on May 23, 2022.

3. That upon information and belief, Plaintiffs Glen and Colette Bertrand are and were at all relevant times residents of Gillette, Wyoming.

4. That at all relevant times, Mr. Gartner operated the trucking company Bear Creek Trucking as a sole proprietorship. Mr. Gartner is and was at all relevant times a resident of Interior, South Dakota.

5. That upon information and belief, Third-Party Defendant Larissa Bertrand is and was at all relevant times a resident of Gillette, Wyoming. This Court has supplemental jurisdiction over Bear Creek Trucking's asserted third-party claims by virtue of 28 U.S.C. § 1367(a).

6. That the matter in controversy, exclusive of interest and costs, exceeds \$75,000.00, and complete diversity exists between Plaintiffs, who are citizens of Wyoming, and Defendant, which is a citizen of South Dakota.

7. That the above Court has jurisdiction of this case under and by virtue of the provisions of 28 U.S.C. § 1332.

8. That Defendant Bear Creek Trucking will concurrently give written notice of this Notice of Removal to counsel for Plaintiffs and the Montana Twenty-Second Judicial District Court, Big Horn County pursuant to Mont. R. Civ. P. 77(e), by which act the above entitled cause is removed from such state district court to the above captioned United States District Court. A copy of this written notice, without attachments, is attached as Exhibit 4.

DATED this 16th day of June, 2022.

By: /s/ Brett C. Jensen
Kelly J.C. Gallinger / Brett C. Jensen
BROWN LAW FIRM, P.C.
*Attorneys for Defendant Shannon Gartner
d/b/a Bear Creek Trucking*

CERTIFICATE OF SERVICE

I hereby certify that, on June 26, 2022, a copy of the foregoing was served on the following person(s):

1. U.S. District Court, Billings Division
2. Joseph Cook
John Heenan
Merry Marr
HEENAN & COOK, PLLC
Attorneys for Plaintiffs

by the following means:

<u>1-2</u> CM/ECF	<u> </u> Fax
<u> </u> Hand Delivery	<u> </u> E-Mail
<u> </u> U.S. Mail	<u> </u> Overnight Delivery Services

By: /s/ Brett C. Jensen
Kelly J.C. Gallinger / Brett C. Jensen
BROWN LAW FIRM, P.C.
*Attorneys for Defendant Shannon Gartner
d/b/a Bear Creek Trucking*